

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE**

**THURSDAY, OCTOBER 3, 2013
REGULAR MEETING – 6:30 p.m.**

**BRADLEY HILLGREN
Chair**

**LARRY TUCKER
Vice Chair**

**KORY KRAMER
Secretary**

FRED AMERI

TIM BROWN

RAYMOND LAWLER

JAY MYERS

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney

TONY BRINE, City Traffic Engineer

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF SEPTEMBER 19, 2013

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

ITEM NO. 2 SANTA ANA HEIGHTS CODE AMENDMENT (PA2013-114)

Site Location: Residential Equestrian (REQ) Zoning District within Santa Ana Heights

Summary:

An amendment to Chapter 20.90 (Santa Ana Heights Specific Plan) of the Zoning Code (Title 20) removing the requirement for an annual use permit to keep three to six horses on a property for noncommercial purposes within the Residential Equestrian (REQ) District. Property maintenance regulations remain in full force and effect to ensure properties with horses remain compatible with surrounding land uses.

CEQA Compliance:

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. _____ recommending City Council approval of Code Amendment No. CA2013-005.

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 3 MOTION FOR RECONSIDERATION

ITEM NO. 4 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Committee Updates:

1. Land Use Element Amendment Advisory Committee
2. General Plan/Local Coastal Program Implementation Committee

**ITEM NO. 5 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT**

ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT

October 3, 2013 Planning Commission Agenda Comments

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229). ~~strikeout~~ underline format is used to suggest changes to the passages quoted in *italics*

Item No. 1 Minutes of September 19, 2013

1. Page 1, under "IV. Public Comments": "*Vice Chair Tucker invited those interested in addressing the Planning Commission on non-agenda items to do so at this time.*"
2. Page 2, last paragraph:
 - a. "*He pointed out that the draft ordinance in the staff report ...*"
 - b. "*He provided an overview of the changes including the new definition of ~~new~~ five (5) antenna classes, ...*"
3. Page 4:
 - a. Line 1: "*Mr. Rogers reported that sometimes, most efficient and ~~less~~ least obtrusive technology can be two different pieces of technology ...*"
 - b. Paragraph 3: "*Vice Chair Tucker suggested adding, 'shall utilize to the maximum extent practical, the most efficient and ~~less~~ least obtrusive technology.'*"
4. Page 6, paragraph 6 from end: "*... he felt that flexibility is provided in the draft ~~the~~ ordinance.*"
5. Page 8:
 - a. Paragraph 7: "*Regarding 20.49.100, Modifications to Existing Telecommunications Facilities, Mr. O'Boyle noted issuance ...*"
 - b. Paragraph 9: "*He addressed FCC ~~categorical exempted~~ 'categorically excluded' rulings ...*" (?? see letter from Mr. Brown on handwritten page 63 of staff report)
6. Page 10:
 - a. Paragraph 1, line 2 from end: "*... she reported that the Committee will consider whether additional trips should be generated to facilitate new ~~project~~ projects as well as ...*" or "*to facilitate new ~~project~~ projects*"
 - b. Paragraph 3: "*Vice Chair Tucker reported that the development was done on a ~~footprint-lot basis~~ footprint-basis lot noting that the footprint of each building is a parcel and that all the common areas are a separate parcel.*"

Item No. 2 Santa Ana Heights Code Amendment (PA2013-114)

Draft Resolution:

1. Section 1.3: "... authorized the Mayor to send correspondence to the County and County Development Agency requesting ..." [the term "Agency" is explained in the staff report, but the explanation is not repeated in the resolution as drafted]
2. Section 1.5: "The Planning Commission conducted a public hearing on October 3, 2013, in the City Hall Council Chambers, ~~3300 Newport Boulevard~~ 100 Civic Center Drive, Newport Beach, California."